

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
PALM BEACH DIVISION

JTC SKYWAVE INVESTMENTS LTD,
and HARALD McPIKE,

Plaintiffs,

CASE NO. 9:24-cv-80499-RLR

v.

ANDREW N. MART, DEANNA BOIES,
LUMINESCENCE LLC, LUMINESCENCE
LLC, and LUMINASTRA LLC,

Defendants.

_____ /

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO SUPPLEMENT
MOTION TO DISMISS WITH DECLARATION**

Defendants Andrew N. Mart, Deanna Boies, Luminescence, LLC (registered in Illinois), Luminescence, LLC (registered in Florida), and Luminastra, LLC respectfully move unopposed for leave to supplement Defendants' Motion to Dismiss for Forum Non Conveniens and Lack of Personal Jurisdiction; and, Alternatively, for Failure to State a Claim for Relief, ECF No. 18 ("Motion to Dismiss") with the declaration of Dr. Peter D. Maynard. A copy of the declaration is attached as Exhibit A.

On May 7, 2024, Defendants timely filed their Motion to Dismiss. ECF No. 18. In that Motion, Defendants informed Plaintiffs and the Court that they retained counsel in the Bahamas but were unable to obtain counsel's declaration supporting the adequacy and availability of the Bahamas prior to the deadline for responding to the Complaint. Defendants reserved the right to file a declaration once received. *See* ECF No. 18 at 6 n.1.

Defendants received the declaration after hours on Friday, May 10, 2024, Ex. A hereto. In the declaration, Dr. Maynard opines among other things that a Bahamian court would assert jurisdiction over this case, the causes of action of the complaint are recognized in the Bahamas, and there are remedies available.

Dr. Maynard's declaration would not be prejudicial to Plaintiffs and would aid the Court in its determination of whether the Bahamas is an available and adequate forum, as Defendants assert in their Motion, *see* ECF No. 18 at 5-6.

WHEREFORE, Defendants respectfully request the Court permit Defendants to supplement their Motion to Dismiss with the attached declaration of Dr. Peter D. Maynard.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(3)

I certify that on May 13 & 14, 2024, counsel for Defendants conferred with counsel for Plaintiffs in a good-faith effort to resolve the issues raised in this motion and Plaintiffs do not oppose the motion.

Dated: May 15, 2024

Respectfully submitted:



Attorneys for Defendants
1200 Four Seasons Tower
1441 Brickell Avenue
Miami Florida 33131
Phone: (305) 350-5100
Fax: (305) 372-2738

By: /s/ Antonio M. Hernandez, Jr.

Luis Delgado, Esq.

Email: ldelgado@homerbonner.com

Florida Bar No. 475343

Christopher J. King, Esq.

Email: cking@homerbonner.com

Florida Bar No.: 123919

Antonio M. Hernandez Jr., Esq.

Email: ahernandez@homerbonner.com

Florida Bar No.: 0117756